

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 601, FOOD AND DRUGS ACT.

ADULTERATION AND MISBRANDING OF LEMON EXTRACT.

On or about June 7, 1909, Newmark Brothers, a corporation of Los Angeles, Cal., shipped from the State of California into the Territory of Arizona a consignment of a food product labeled "Acme Brand Terpeneless Flavoring Extract Lemon Flavor." Samples from this shipment were procured and analyzed by the Bureau of Chemistry, United States Department of Agriculture, and as the findings of the analyst and report made showed that the product was adulterated and misbranded within the meaning of the Food and Drugs Act of June 30, 1906, the Secretary of Agriculture afforded the said Newmark Brothers and the dealer from whom the samples were procured opportunities for hearings. As it appeared after hearings held that the shipment was made in violation of the act, the Secretary of Agriculture reported the facts to the Attorney-General, with a statement of the evidence upon which to base a prosecution.

In due course a criminal information was filed in the District Court of the United States for the Southern District of California against the said Newmark Brothers, charging the above shipment and alleging that the product so shipped was adulterated, in that pure and genuine terpeneless extract of lemon contains not less than one-fifth of 1 per cent by weight of citral, while in the product in question another substance, to wit, water, had been substituted in part for said citral, thereby reducing the proportion of citral in said product to one one-hundredth of 1 per cent of the total constituents in said article and thereby reducing and lowering the quality and strength of said product, and in that a valuable constituent of said article of food, to wit, citral, had been partly abstracted therefrom, and in that said product was colored in a manner to give the appearance of pure and genuine terpeneless extract of lemon and thereby concealed the inferiority of

the product involved; and further alleging the product to be misbranded, in that the label above set forth was false and misleading and calculated to deceive and mislead the purchaser into the belief that the same was pure and genuine terpeneless extract of lemon, when in truth and in fact it was but a weak and inferior flavoring extract prepared in imitation of said pure and genuine terpeneless extract of lemon; in that the word "terpeneless" appearing on said label was printed in small type in dark ink upon a dark background, so as to be practically invisible to the purchaser, while the word "Lemon" was printed in very large type in black ink upon a white ground, and the words "Flavoring Extract" were printed directly above and in close proximity to the word "Lemon" on said labels, with black ink, making said label readable to the purchaser as follows: "Flavoring Extract Lemon," when in truth and in fact said article was not an extract of lemon, as the said design and statements signified, but was a weak and inferior flavoring extract which contained no oil of lemon, said oil of lemon being a necessary constituent of pure and genuine lemon extract, and in that the said label contained a further false and misleading statement concerning the ingredients of said article of food contained in said packages, as follows: "Pure Oil of Lemon," when in truth and in fact said article of food contained no "Pure Oil of Lemon."

On July 9, 1910, the defendant entered a plea of guilty to the above information and the court imposed a fine of \$1.

This notice is given pursuant to section 4 of the Food and Drugs Act of June 30, 1906.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., *September 10, 1910.*

